IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

THURSDAY, THE 15TH FEBRUARY 2007 / 26TH MAGHA 1928

WP(C).No. 5322 of 2007(H)

AGAINST THE ORDER IN EP.382/2004 IN
OS.1668/2003 of PRL.M.C.,IRINJALAKUDA

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PETITIONER:

NIVAS, S/O. ABDUL RAHIMAN,
KALLOOPARAMBIL HOUSE, MAPRANAM DESOM,
MADAYIKONAM VILLAGE, MUKUNDAPURAM TALUK.

BY ADV. SRI.RAJESH CHAKYAT

RESPONDENTS:

ABHIMAN KURIES PVT. LTD.,
IRINJALAKUDA VILLAGE, MUKUNDAPURAM TALUK.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/02/2007, THE COURT ON 15/02/2007 DELIVERED THE FOLLOWING:

K.P.BALACHANDRAN, J.

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W.P.(C)NO.5322 OF 2007

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Dated this the 15th day of February 2007

JUDGMENT

The petitioner is the 3rd judgment debtor in O.S.1668 of 2003 on the file of the Munsiff's Court, Irinjalakkuda. It is submitted by the counsel for the petitioner that the execution court has ordered him to be detained in civil prison for three months when brought under arrest on 14.2.07. It is further submitted that the petitioner is ready to cause deposit on an amount of Rs.20,000/- in the court below forthwith and to pay off the entire balance amount in instalments. It is also contended that the petitioner is not having sufficient means to pay off the decree debt in lump. However, I am not considering that aspect at present. In case the petitioner deposits an amount of Rs.20,000/- in the court below for payment to the decree holder or pays directly to the decree holder and reports the matter to the execution court, the execution court shall release the petitioner from prison forthwith. His plea to pay the balance amount in instalments or his plea regarding absence of means to

pay off the entire decree debt in lump or in substantial portions thereof are matters which the petitioner can advance in the court below.

This writ petition is disposed of with the above direction.

K.P.BALACHANDRAN, JUDGE

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